

In the Claims

Please amend Claims 1-11 and 31-34 as follows

- C1
1. (Twice amended) A recombinant [MVA] Modified Vaccinia Ankara (MVA) virus containing and capable of expressing at least one foreign gene inserted at a site of a naturally occurring deletion within the MVA genome, wherein the site of the naturally occurring deletion is not site III.

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 2. (Amended) A recombinant [MVA] Modified Vaccinia Ankara (MVA) virus according to Claim 1 containing and capable of expressing at least one foreign gene inserted at the site of deletion II within the MVA genome.
 3. (Amended) A recombinant [MVA] Modified Vaccinia Ankara (MVA) virus according to Claim 1 wherein the foreign gene codes for a marker, a therapeutic agent or an antigenic determinant.
 4. (Amended) A recombinant [MVA] Modified Vaccinia Ankara (MVA) virus according to Claim 3 wherein the foreign gene codes for an antigenic determinant from a pathogenic virus, a bacteria, [or] other microorganism, [or from] a parasite, [or] and a tumor cell.
 5. (Amended) A recombinant [MVA] Modified Vaccinia Ankara (MVA) virus according to Claim 4 wherein the foreign gene codes for an antigenic determinant from Plasmodium Falciparum, Mycobacteria, Herpes virus, influenza virus, hepatitis, or human immunodeficiency viruses.
 6. (Amended) A recombinant [MVA] Modified Vaccinia Ankara (MVA) virus according to Claim[s] 4 wherein the antigenic determinant is [HIV] Human Immunodeficiency Virus nef or human [tryosinase] tyrosinase.
 7. (Amended) A recombinant MVA virus according to Claim 6 which is [MVA] Modified Vaccinia Ankara (MVA)-LAInef or MVA-[hTYR] human tyrosinase (hTYR).

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8. (Amended) A recombinant [MVA] Modified Vaccinia Ankara (MVA) virus according to Claim 1 wherein the foreign gene codes for T7 RNA polymerase.
9. (Amended) A recombinant [MVA] Modified Vaccinia Ankara (MVA) virus according to Claim 8 which is MVA-T7 pol.
10. (Amended) A recombinant [MVA] Modified Vaccinia Ankara (MVA) virus according to Claim 1 wherein the foreign gene is under transcriptional control of the vaccinia virus early/late promoter P7.5.
11. (Amended) Recombinant [MVA] Modified Vaccinia Ankara (MVA) viruses according to Claim 1 [essentially free from viruses being able to] wherein the viruses cannot replicate in human cells.

12 31. (Amended) A recombinant [MVA] Modified Vaccinia Ankara (MVA) virus containing and capable of expressing an [HIV] Human Immunodeficiency Virus (HIV) nef gene inserted into the MVA genome.

13 32. (Amended) The recombinant [MVA] Modified Vaccinia Ankara (MVA) virus according to Claim 31 which is MVA-LAInef.

14 33. (Amended) A recombinant [MVA] Modified Vaccinia Ankara (MVA) virus containing and capable of expressing a human tyrosinase gene inserted into the MVA genome.

15 34. (Amended) The recombinant [MVA] Modified Vaccinia Ankara (MVA) virus according to Claim 33 which is MVA-[hTYR] human tyrosinase (hTYR).

Please add the following claims:

16 35. A recombinant Modified Vaccinia Ankara (MVA) virus containing and capable of expressing at least one foreign gene inserted at a site of a naturally occurring deletion

within the MVA genome, wherein the site of the naturally occurring deletion is selected from the group consisting of: site I, site II, site IV, site V and site VI.

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~~36.~~

The recombinant Modified Vaccinia Ankara (MVA) virus according to Claim ¹⁶~~35~~ wherein the foreign gene codes for a marker, a therapeutic agent or an antigenic determinant.

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~~37.~~

The recombinant Modified Vaccinia Ankara (MVA) virus according to Claim ¹⁷~~36~~ wherein the foreign gene codes for an antigenic determinant from a pathogenic virus, a bacteria, other microorganism, a parasite, and a tumor cell.

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~~38.~~

The recombinant Modified Vaccinia Ankara (MVA) virus according to Claim ¹⁸~~37~~ wherein the foreign gene codes for an antigenic determinant from Plasmodium Falciparum, Mycobacteria, Herpes virus, influenza virus, hepatitis, or human immunodeficiency viruses.

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~~39.~~

The recombinant Modified Vaccinia Ankara (MVA) virus according to Claims ¹⁸~~37~~ wherein the antigenic determinant is Human Immunodeficiency Virus nef or human tyrosinase.

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~~40.~~

The recombinant MVA virus according to Claim ²⁰~~39~~ which is Modified Vaccinia Ankara (MVA)-LAI_{nef} or MVA-human tyrosinase (hTYR).

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~~41.~~

The recombinant Modified Vaccinia Ankara (MVA) virus according to Claim ¹⁶~~35~~ wherein the foreign gene codes for T7 RNA polymerase.

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~~42.~~

A recombinant Modified Vaccinia Ankara (MVA) virus according to Claim ²²~~41~~ which is MVA-T7 pol.

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~~43.~~

The recombinant Modified Vaccinia Ankara (MVA) virus according to Claim ¹⁶~~35~~ wherein the foreign gene is under transcriptional control of the vaccinia virus early/late promoter P7.5.

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~~44.~~

A recombinant Modified Vaccinia Ankara (MVA) virus containing and capable of expressing at least one foreign gene inserted at deletion site II of the MVA virus.

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The recombinant Modified Vaccinia Ankara (MVA) virus according to Claim ²⁵~~44~~ wherein the foreign gene codes for a marker, a therapeutic agent or an antigenic determinant.

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~~46.~~

The recombinant Modified Vaccinia Ankara (MVA) virus according to Claim ²⁶~~45~~ wherein the foreign gene codes for an antigenic determinant from a pathogenic virus, a bacteria, other microorganism, a parasite, and a tumor cell.

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~~47.~~

The recombinant Modified Vaccinia Ankara (MVA) virus according to Claim ²⁷~~46~~ wherein the foreign gene codes for an antigenic determinant from Plasmodium Falciparum, Mycobacteria, Herpes virus, influenza virus, hepatitis, or human immunodeficiency viruses.

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~~48.~~

The recombinant Modified Vaccinia Ankara (MVA) virus according to Claims ²⁷~~46~~ wherein the antigenic determinant is Human Immunodeficiency Virus nef or human tyrosinase.

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~~49.~~

The recombinant MVA virus according to Claim ²⁹~~48~~ which is Modified Vaccinia Ankara (MVA)-LAI_{nef} or MVA-human tyrosinase (hTYR).

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~~50.~~

The recombinant Modified Vaccinia Ankara (MVA) virus according to Claim ²⁵~~44~~ wherein the foreign gene codes for T7 RNA polymerase.

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~~51.~~

A recombinant Modified Vaccinia Ankara (MVA) virus according to Claim ³¹~~50~~ which is MVA-T7 pol.

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~~52.~~

The recombinant Modified Vaccinia Ankara (MVA) virus according to Claim ²⁵~~44~~ wherein the foreign gene is under transcriptional control of the vaccinia virus early/late promoter P7.5.---